

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

TECHNO LICENSING, LLC,

Plaintiff,

Civil Action No. 3:18-cv-581-DPJ-FKB

vs.

**CELLULAR SOUTH, INC. d/b/a C SPIRE,
C SPIRE BUSINESS SOLUTIONS, and
C SPIRE WIRELESS,**

Defendant.

COMPLAINT

COMES NOW, Plaintiff, Techno Licensing, LLC (hereinafter “Plaintiff” or “Techno”), and files this Complaint against Cellular South, Inc. d/b/a C Spire, C Spire Business Solutions, and C Spire Wireless (hereinafter “Defendant” or “CSI”), for infringement of United States Patent No. 7,797,011 (hereinafter “’011 Patent”).

NATURE OF THE ACTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief, as well as damages.

PARTIES

2. Plaintiff, Techno Licensing, LLC, is a Texas limited liability company with its principal place of business located at 3411 Preston Rd., Suite C, Frisco, Texas 75034.

3. Defendant, Cellular South, Inc., is a Mississippi corporation with its principal place of business located at 1018 Highland Colony Parkway, Suite 700, Ridgeland, Mississippi 39157. Defendant may be served with process by and through its Registered

Agent, Emilie F. Whitehead, 1018 Highland Colony Parkway, Suite 700, Ridgeland, Mississippi 39157.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents), because this is a civil action for patent infringement arising under the United States Patent Statutes.

5. This Court has personal jurisdiction over Defendant, because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Defendant's instrumentalities that are alleged herein to infringe were, and continue to be used, imported, offered for sale, and/or sold in this District.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b), because Defendant is deemed to be a resident of this District. Additionally, or in the alternative, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. Upon information and belief, Defendant has several regular and established places of business in this District.

COUNT I

INFRINGEMENT OF UNITED STATES PATENT NO. 7,797,011

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '011 Patent, with sole rights to enforce the '011 Patent and sue infringers.

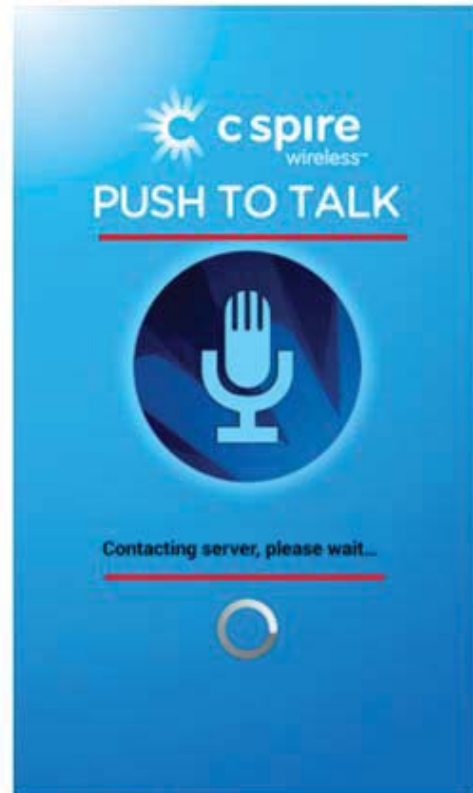
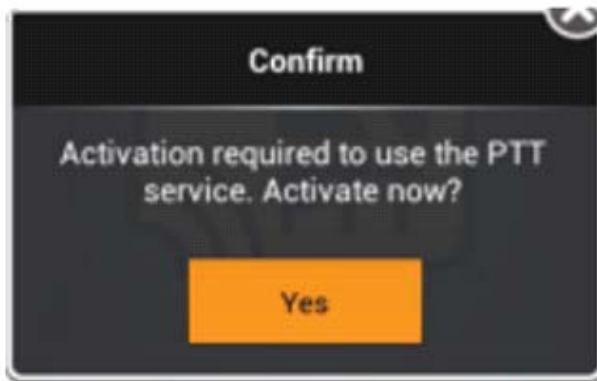
11. A copy of the '011 Patent, titled "Communication Method and Communication Equipment in the PoC Service," is attached hereto as Exhibit "A."

12. The '011 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed, and continues to infringe, one or more claims, including at least Claims 1, 3, 4, and 5 of the '011 Patent, by making, using, importing, selling, and/or offering devices and methods for controlling a communication relay, which are covered by at least Claims 1, 3, 4, and 5 of the '011 Patent. Defendant has infringed, and continues to infringe, the '011 Patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses (including by at least testing), push-to-talk (PTT) over cellular (PoC) equipment including, without limitation, compatible devices (having push-to-talk apps such as the C Spire PTT App), and the mobile application itself that interface with and/or operate in a communication environment provided by Defendant, and any similar products ("Product"), which infringe at least Claims 1, 3, 4 and 5 of the '011 Patent. The system includes a plurality of communication devices that can operate in a half-duplex session. A user of a device that does not "have the floor" can perform key operation and transmit that key operation to a user of a device that does "have the floor."

15. In at least testing and usage, the Product implements a communication method of controlling a communication relay (e.g., a central website is utilized by C Spire PTT solution for controlling a communication relay), between a plurality of equipments (e.g., LMR radios or mobile devices with the C Spire PTT App loaded thereon) in a PoC service (e.g., C Spire's Push to Talk Service provided over a cellular network), which attains a half-duplex talk session (e.g., PTT calls are half-duplexed wherein there is one caller and one receiver at all times) using a packet communication (e.g., IP-based PoC transmits voice as data packets) between the plurality of equipments wherein each equipment comprises a talking key (e.g., a PTT button) and at least one operation information transmitting key (e.g., an instant alert icon). As shown below and/or in screen shots provided in connection with other allegations herein, the accused system controls a communication relay (e.g., a central website is utilized by C Spire PTT solution for controlling a communication relay) between a plurality of equipments (e.g., LMR radios or mobile devices with the C Spire PTT App loaded thereon) in a PoC service (e.g., Push-to-talk over cellular) which attains a half-duplex talk session (e.g., PTT communications) using packet communication (e.g., communication over an IP network). Further, a C Spire PTT enabled device includes a push-to-talk button that allows a user to initiate a PTT call. Additionally, the device includes software-based keys that allow a user to send an instant alert to another user (e.g., the operation information transmitting key).



https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

C SPIRE BUSINESS SOLUTIONS LAUNCHES NEW PUSH-TO-TALK SERVICE



New device line up and suite of services means service easier to use, manage than ever before

Ridgeland, Miss. (July 22, 2013) - C Spire Business Solutions today launched its next generation Push-To-Talk (PTT) service for businesses, government agencies and service organizations that helps customers communicate faster, to larger talk groups and across more types of devices than ever before.

The IP-based service features a new PTT app that helps organizations communicate with groups simultaneously over enterprise-grade Wi-Fi and 3G or 4G LTE data connections - all secured with 256-bit encryption, according to Craig Borncamp, director of business sales for C Spire Business Solutions. The next-generation PTT solution is being delivered through a partnership with Ericsson and Kodiak Networks.

C Spire is offering a suite of devices for its new PTT service, including the Samsung Galaxy S II, Galaxy S III and Unimax 680 Android smartphones, the BlackBerry Curve 9360 and the BlackBerry Bold Touch. "Our approach combines advanced technology and personal customer support with the convenience and utility of next generation Push-To-Talk services," Borncamp said. "And with more device choices, companies can find the right

one for the job - regardless of the type of worker or communication."

Key features of C Spire's enhanced PTT service include:

- Sub-second call set up
- Larger contact lists (1,300) and talk groups (130 talk groups) and 250 members group that can be created and administered from a central website
- Ability to combine PTT services and mobile applications
- Highly scalable and simplified approach to PTT administration and security
- Protection from unauthorized call interception and monitoring and availability of secure alerting and contact management

https://www.cspire.com/company_info/about/news_detail.jsp?entryId=17200010

C Spire Business Solutions Selects Ericsson for IP- based Push-to-Talk Cloud Services

Jul 21, 2013

Cloud

Networks

- Ericsson to manage Push-to-Talk cloud services for C Spire Business Solutions
- Cloud-based Push-to-Talk allows carriers to easily implement without modifying existing networks
- Significant milestone for Ericsson's IP-based Push-to-Talk service

<https://www.ericsson.com/us/en/press-releases/6/2013/c-spire-business-solutions-selects-ericsson-for-ip-based-push-to-talk-cloud-services>

CLOUD PUSH TO TALK

› Service Description:

Cloud-based PTT is a carrier-grade instant group communication service with 3G/4G/LTE and Wi-Fi compatibility and assured Quality of Service (QoS)

› Value delivered

Removed PMR network costs

› Target Customer

- CSP using old PMR or Tetra or iDEN networks and looking for a featured substitute
- Industry verticals including: Hospitality, Manufacturing, Construction, Transportation, Utilities, and Energy

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<https://image.slidesharecdn.com/10belsky-150613132347-1va1-app6892/95/10-belsky-28-638.jpg?cb=1434201941>



<https://www.ericsson.com/en/careers/our-story/business-area/s/cloud-ip>

Push-to-talk cellular call is termed as half-duplex communication as in this one person calls > the other(s) receives,

And to note that a cell phone call is termed as a full-duplex, i.e. the both of the parties on a call can hear each other at the same real time, and as a PTT is half-duplex, so it simply means that the call or the communication will go only single direction at any single moment of time, so it resembles like a walkie-talkie calling, its become useful when you need to collect some info / have to broadcast an emergency to your group of employees to mobilize them etc. etc.

<https://www.zyxaw.com/2010/03/push-to-talk-over-cell-ptt-poc-voip-at.html>

PTT button

A Talking key

On-Screen Soft PTT Button

Whenever you are in a PTT call, you will see an on-screen PTT button. Touch and hold the on-screen button to take the floor and speak during a call.

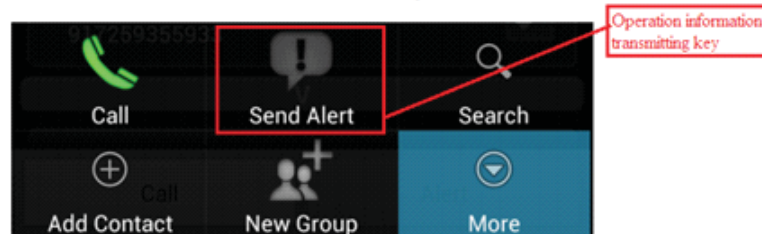
https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf



https://www.cspire.com/company_info/about/news_detail.jsp?entryId=17200010


The PTT contact list allows you to select multiple contacts at one time. With multiple contacts selected, you can make a talk group call or create a talk group. If you want to clear all selections, you can:

1. Click the **Menu** key on the handset and select **More** option from menu.



Screen shot 9: Menu option to unselect multiple Contacts

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

Tap  icon to send the alert to the selected person. A successful alert information page is displayed. After selecting the contact, you can also send an alert by pressing the **Menu** key and selecting the "Send Alert" from the menu.

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

16. In at least testing and usage, the Product manages (e.g., management of the system is accomplished via a central website) the equipments (e.g. LMR radios or mobile devices with C Spire PTT App) connected to the server (e.g., Ericsson cloud services utilized by the accused system) wherein one of the plurality of equipments (e.g., one of the mobile devices with the C Spire PTT App) has taken "the floor" (e.g., during a PTT call session, only one device can take the floor at one time) in the half duplex talk session (e.g., a half-duplex PTT call). As shown below and/or in screen shots provided in connection with other allegations herein, a central website monitors communication between C Spire PTT enabled handsets and LMR radios over a server utilized by the accused system on the cellular network. The floor is provided to a user as long as the user presses the push-to-talk button. Upon releasing the button, the floor is available to other users.

Tone	Description
<u>Floor Acquired</u>	Played after you press the PTT button to indicate that you can speak.
<u>Floor Free</u>	Played to listeners on the call to indicate someone has stopped talking and the floor is available for someone else to talk.
Incoming Call	Played once at the beginning of the call to alert you to an incoming PTT call.
Floor Busy (Error)	Played when you press the PTT button and you are not able to take the floor.
Attention	Played whenever there is an error message is displayed.
Alert	Played each time you receive an Instant Personal Alert or a Missed Call has occurred. Depending on your alert repeat setting, it may play periodically until you dismiss the alert.
Activation	Played at the end of the first-time activation of the application.
Call Suspend	Played during a call whenever the call is momentarily suspended whenever the phone switches from cellular data to Wi-Fi connection (or vice versa) or due to a loss of connection with the PTT server.

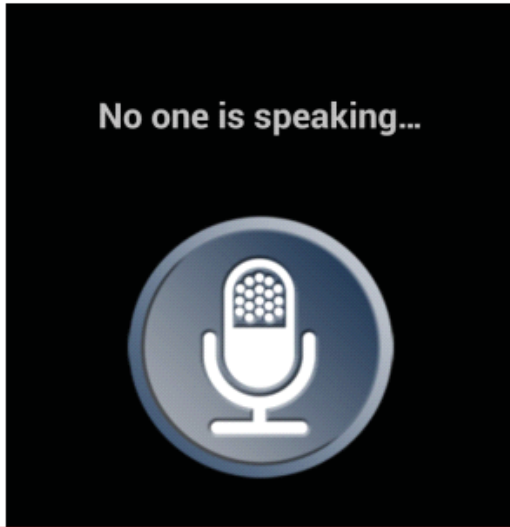
https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

Floor Control

While in a PTT call, only one person can speak at a time. The person speaking is said to "have the floor". The following terms are used throughout this guide:

Floor Acquired: When you the floor by pressing the PTT button, the onscreen microphone icon turns green and you will hear a "chirp." This indicates that you have the floor and can speak while you press the PTT button. When you stop talking, you should release the PTT button.

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf



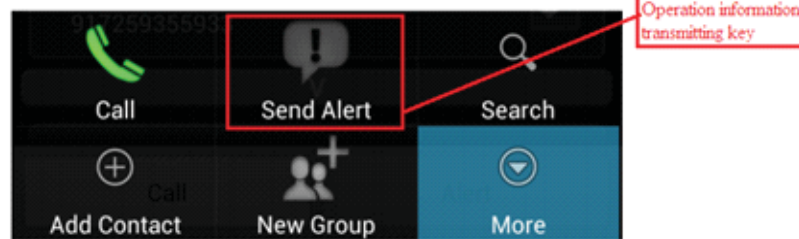
Screen shot 19: Group call – Floor idle

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

17. In at least testing and usage, the Product acquires, as an operation information, a key operation of the operation information transmitting key (e.g., corresponding data is sent to the server when a user utilizes a software based key to send an instant alert to another user) of at least one of the plurality of equipments (e.g., LMR radios or C Spire PTT enabled handsets) that has not taken the floor in the half duplex talk session (e.g., a user device that does not yet hold the floor can nonetheless utilize the software keys to send alerts) while said one of the plurality of equipments has "the floor" in the half duplex talk session (e.g., a recipient of the alert will receive said information

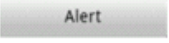
even if they currently have the floor in a PTT session). As shown below and/or in screen shots provided in connection with other allegations herein, the push-to-talk app interface contains a software key that allow a user to send alerts during a half-duplex transmission (e.g., a PPT call).

1. Click the **Menu** key on the handset and select **More** option from menu.



Screen shot 9: Menu option to unselect multiple Contacts

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

Tap  icon to send the alert to the selected person. A successful alert information page is displayed. After selecting the contact, you can also send an alert by pressing the **Menu** key and selecting the "Send Alert" from the menu.

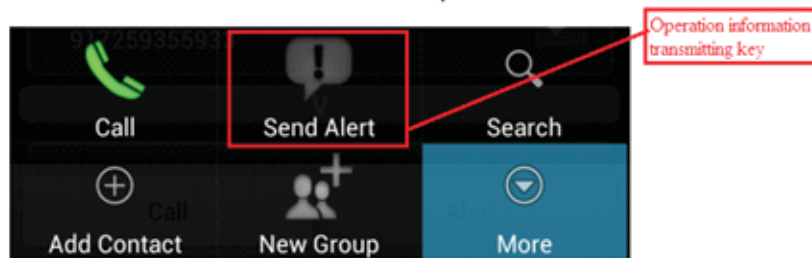
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18. In at least testing and usage, the Product transmits the acquired operation information (e.g., the user's selection of a specific operation such as sending an alert, and any data corresponding to said operation) to the equipments (e.g., a C Spire PTT enabled handset) which are managed by a managing unit (e.g., a central website). These elements are illustrated in the screen shots provided in connection with other allegations herein.

19. In at least testing and usage, the Product displays the operation information on a screen (e.g., sent alert will be shown in the application interface of receiving devices) of said one of the plurality of equipment (e.g., LMR radios or C Spire PTT enabled

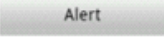
handsets) that has "the floor" (e.g., a user who currently has the floor of a PTT conversation will nonetheless receive any alert sent via the application interface) and/or on a screen of at least another one of the plurality of equipment that has not taken "the floor" (e.g., other users in a group, who do not currently have the floor, will receive the sent alert). This element is illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

1. Click the **Menu** key on the handset and select **More** option from menu.



Screen shot 9: Menu option to unselect multiple Contacts

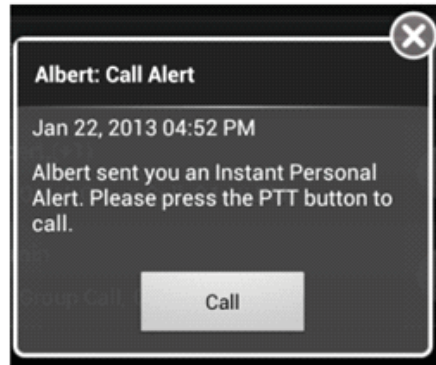
https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

Tap  icon to send the alert to the selected person. A successful alert information page is displayed. After selecting the contact, you can also send an alert by pressing the **Menu** key and selecting the "Send Alert" from the menu.

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

Receiving an Alert

1. Whenever someone else sends you an alert, the PTT application will alert you with a tone and show the following message:



Screen shot 40: Receiving Call Me Alert

https://www.cspire.com/resources/images/business/cspire_PTT_guide.pdf

20. Regarding Claim 3, in at least testing and usage, the Product utilizes equipment (e.g., C Spire PTT app enabled handsets) for conducting a half-duplex talk session (e.g., PTT calls are half-duplexed wherein there is one caller and one receiver at all times) using a packet communication (e.g., IP-based PoC transmits voice as data packets) with other equipments (e.g., LMR radios or C Spire PTT app enabled handsets) via a server (e.g., the server utilized by the accused system) into which the communication method (e.g., C Spire Push to Talk (PPT) according to Claim 1 is loaded). The Product controls a communication relay (e.g., a central website) between a plurality of equipments (e.g. LMR radios or C Spire PTT app enabled handsets) in a PoC service (e.g., Push-to-talk over cellular) which attains a half-duplex talk session (e.g., PTT communications) using packet communication (e.g., communication over an IP network). These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

21. Further, regarding Claim 3, in at least testing and usage, the Product utilizes a transmitting unit (e.g., hardware and software that relays user selections in the application interface) that transmits key operations of said communication equipment to the server as operation information (e.g., corresponding data is sent to the C Spire PTT app server when a user utilizes a software based key to send an alert to another user). These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

22. Further, regarding Claim 3, in at least testing and usage, the Product utilizes a receiving unit that receives the operation information (e.g., the recipient device will display the sent alert that corresponds to a sender's selection of a particular service) transmitted from the server (e.g., via the C Spire PTT app server) the operation information indicating the key operation of respective equipment (e.g., corresponding data is received on recipient device from the C Spire PTT app server per a sender's utilization of software based keys to send an alert). The push-to-talk app interface contains a software-based key that allow a user to send an alert during a half-duplex transmission (e.g., a PPT call). A recipient device will display the alert sent by a sending device. These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

23. Regarding Claim 4, in at least testing and usage, the Product practices a communication method wherein the Product transmits the acquired operation information

(e.g., the user's selection of a specific operation (e.g., to send an alert) and any data corresponding to said operation to all of the equipments (e.g., all C Spire PTT handset devices communicating in a group) which are managed by a managing unit (e.g., a central website and server). These elements are illustrated in the screen shots provided in connection with other allegations herein and are further illustrated by the allegations above in connection with Claims 1 and 3.

24. Regarding Claim 5, in at least testing and usage, the Product displays the operation information on each screen (e.g., sent alerts will be shown in the application interface of receiving devices) of said all of the equipment (e.g., all C Spire PTT handset devices communicating in a group) to share the operation information among said all of the equipments (e.g., information regarding sent alerts will be shown in the application interface of all receiving devices communicating in a group). A user can send an alert to all members of a particular communication group. These elements are illustrated in the screen shots provided in connection with other allegations herein and are further discussed in connection with Claims 1, 3, and 4.

25. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

26. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff, and will continue to do so, unless and until Defendant is enjoined and restrained by this Court.

27. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Techno Licensing, LLC, asks the Court to:

- a). Enter Judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b). Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the Order from further infringement of United States Patent No. 7,797,011 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c). Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- d). Award Plaintiff pre-judgment and post-judgment interest and costs; and
- e). Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

RESPECTFULLY SUBMITTED, this the 23rd day of August, 2018.

s/Frank J. Dantone

FRANK J. DANTONE, MSB #5792

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